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**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DYLAN CORRAL,

Defendant.

Case No.: 22-CR-00048-JCC

**STIPULATION TO MODIFY BRIEFING
SCHEDULE AND RESCHEDULE
HEARING ON PRETRIAL MOTIONS;
[PROPOSED] ORDER**

THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United States Attorneys Justin J. Gilio and Kirk Sherriff, on behalf of the government, and Danica Mazenko, on behalf of defendant Dylan Corral (“Corral”), to modify their current briefing schedule and reschedule the hearing on pretrial motions, currently set for November 13, 2023, based on the grounds set forth below. The parties further stipulate to continue the trial date, currently set for December 4, 2023, based on the grounds set forth below.

By this stipulation, the government and defense counsel have agreed to the below schedule and jointly move to continue the dates in this case as follows:

	CURRENT SCHEDULE	PROPOSED MODIFIED SCHEDULE
Motions Filing –	October 16, 2023	November 28, 2023
Opposition Filing –	October 30, 2023	December 19, 2023

1 Reply Brief Filing – November 6, 2023 January 2, 2024

2 Hearing on Motions – November 13, 2023 January 4, 2024

3 Trial - December 4, 2023 February 5, 2024

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6 The parties agree and stipulate, and request that the Court find the following:

7 1. By previous order, this matter was scheduled for trial on December 4, 2023. The
8 pretrial motions filing deadline is currently set, by previous order, for October 16, 2023.

9 2. On August 25, 2023, the Court granted Mr. Corral's motion to substitute Court-
10 appointed counsel, Doc. 95, 95-1, 102. On September 8, 2023, the Court finalized the
11 substitution of Danica Mazenko in place of former defense counsel Mr. Beevers to represent Mr.
12 Corral. Doc. 107.

13 3. Current defense counsel indicates that, since her appointment on September 8,
14 2023, she has reviewed approximately 1,000 pages of discovery, she has reviewed approximately
15 1,000 pages of records from the California Department of Corrections and Rehabilitation
16 (CDCR), she has reviewed various handwritten motions by Mr. Corral, and she has reviewed
17 much of the work product provided to her by previous defense counsel. There are over 2,300
18 pages of discovery in this case. There are more than 4,000 pages of records from the CDCR, as
19 well as supplemental mental health records which have not yet been received. Defense counsel
20 indicates she continues to review the discovery but requires additional time to complete her
21 review. Defense counsel represents that, despite the exercise of diligence, she requires additional
22 time to prepare for trial, to respond to the government's pretrial motion, to prepare potential
23 pretrial motions for the defense, to conduct relevant investigations, to hire appropriate experts,
24 and to issue various subpoenas in advance of trial.

25 4. On September 27, 2023, Mr. Corral filed a motion to appoint new counsel in place
26 of Ms. Mazenko. Doc. 112. Regardless of whether the Court grants Mr. Corral's most recent
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1 motion to appoint new counsel, whomever holds the position will need time to review documents
2 and adequately prepare for trial.

3 5. Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny counsel the reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence, and that proceeding to trial without allowing the
6 requested additional time for counsel to prepare would result in a miscarriage of justice. See 18
7 U.S.C. § 3161(h)(7)(B).

8 6. Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the date
10 prescribed by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(7)(A). For the purpose of
11 computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must
12 commence, the time period of December 4, 2023 to February 5, 2024, inclusive, is deemed
13 excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) & (iv), because it results from a
14 continuance granted by the Court at defendant's request on the basis of the Court's finding that
15 the ends of justice served by taking such action outweigh the best interest of the public and the
16 defendant in a speedy trial.

17 7. Nothing in this stipulation and order shall preclude a finding that other provisions
18 of the Speedy Trial Act dictate that additional time periods are excludable from the period within
19 which a trial must commence.
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21 IT IS SO STIPULATED.
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23 Dated: October 6, 2023

Respectfully submitted,

24 /s/ Danica Mazenko
25 DANICA MAZENKO
26 Attorney for Dylan Corral

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1 Dated: October 6, 2023

PHILLIP A. TALBERT
United States Attorney

2
3 /s/ Justin J. Gilio
JUSTIN J. GILIO
4 KIRK E. SHERRIFF
Assistant United States Attorney
5 Attorneys for the United States
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[PROPOSED] ORDER

IT IS SO FOUND AND ORDERED.

IT IS ORDERED that the parties' briefing schedule, hearing on motions in limine, and trial date are modified as follows:

1. Parties' motions filing deadline – November 28, 2023;
2. Opposition briefs filing deadline – December 19, 2023;
3. Reply briefs filing deadline, if any – January 2, 2024;
4. Hearing on Motions – January 4, 2024 at 10:00 a.m.; and
5. The trial date is continued from December 4, 2023 to February 5, 2024.

8. IT IS FURTHER ORDERED THAT the ends of justice served by the schedule set forth above outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act for the reasons stated in the parties' stipulation. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of December 4, 2023 to February 5, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) & (iv), because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

It is so ORDERED this 6th day of October 2023.



John C. Coughenour
UNITED STATES DISTRICT JUDGE